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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,709	01/18/2002	Joseph G. Buehl	43314/236952	5418
826	7590	03/21/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			SALTARELLI, DOMINIC D	
		ART UNIT		PAPER NUMBER
		2611		

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/054,709	BUEHL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 and 14-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Safadi (5,572,517).

Regarding claims 1, 7, and 18, Safadi discloses a method of implementing service and a corresponding system for administering a session in a cable system (col. 5 line 66 – col. 6 line 23) comprising:

Generating at a session manager (operating system) in a set top box (STB) application level data where said application level data represents a service offering (service requests from STT 16, col. 16, lines 39-48) comprising:

Service data identifying particular resources associated with the service offering (the particular service being requested, col. 16, lines 54-55), and

Routing data identifying the location of a service gateway capable of identifying said particular resources in said cable system (packets from the STT contain routing data which forwards them to the level one gateway [L1G], col. 12 line 55 – col. 13 line 12, which is the service gateway which identifies resources in the system and establishes the necessary connections for linking the appropriate content provider with requesting users, col. 7, lines 16-27);

Generating a session request to a session gateway (L1G) in order to receive the service offering wherein said session request includes said routing data (the service requests from STT equipment, col. 16, lines 39-48, contain the routing data which sends the packets to the L1G, col. 11, lines 44-51, as the transmission is performed over an ATM network); and

Identifying particular resources within a service gateway for said service offering (the L1G is responsible for establishing the resource allocations for creating a virtual link between users and the various information providers [VIPs], col. 7 line 1-27 and col. 12 line 55 – col. 13 line 12).

Regarding claim 2, Safadi discloses the method of claim 1, wherein said session request is transmitted to said service located at a headend of the cable system (the hub 14 which contains the L1G and receives the session requests, col. 6, lines 45-67, is located in a cable headend 18, col. 6, lines 6-9).

Regarding claim 3, Safadi discloses the method of claim 2, wherein said session request is parsed to identify a particular service (service requests are sent in packet form, col. 12, lines 55-67, which requires parsing on the part of the L1G to extract the specific request from the packet).

Regarding claim 4, Safadi discloses the method of claim 3, wherein the location of a server associated with the identified particular service in said cable system is determined (via the level two gateway [L2G], col. 7, lines 1-16).

Regarding claim 5, Safadi discloses the method of claim 1, wherein said routing data identifies the location of a session gateway in said cable system (the L1G is the session gateway, col. 7, lines 16-27).

Regarding claims 6 and 8, Safadi discloses the method and system of claims 1 and 7, wherein said generating a session request comprises generating a session request at a generic session manager of the STB to receive the identified particular service (the session requests generated by the STT, col. 16, lines 39-48, are from a generic session manager because the menus which provide the choices are received from the L1G, col. 7, lines 16-27, thus the session requests themselves are created by a session manager in the STT which is wholly independent from the specific services available at any given time), wherein said session request indicates said routing data and said service data (as described in claim 1, above).

Regarding claim 9, Safadi discloses the system of claim 7, wherein a server (fig. 1, hub 14) located at a headend of the cable system (col. 6, lines 6-9) is in communication with said service (fig. 1, VIP 12).

Regarding claim 10, Safadi discloses the system of claim 9, wherein the server comprises a session manager (fig. 2, L1G 20), and wherein the service communicates with said session manager to identify the particular service requested (col. 7, lines 1-27).

Regarding claim 11, Safadi discloses the system of claim 9, wherein the server comprises a session manager (fig. 2, L1G 20), and wherein said session manager communicates with said cable system to establish a communication path through which to implement said service (col. 7, lines 16-55).

Regarding claim 12, Safadi discloses the system of claim 7, including a session resource manager (also L1G), which identifies available resources of said cable system (col. 7, lines 16-55).

Regarding claim 14, Safadi discloses the system of claim 7, wherein the service gateway (L1G) is in communication with a server (VIPs 12, col. 7, lines 1-27).

3. Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bigham et al. (5,544,161) [Bigham].

Regarding claim 15, Bigham discloses a method of fulfilling a session request in a cable system (col. 15, lines 24-52), comprising:

Generating application level data in the cable system comprising addressing information identifying a session gateway in the cable system (the menu which identifies VIPs and their respective services, col. 35, lines 55-65);

Transmitting the application level data to a set top box (from the level 1 gateway, col. 35, lines 36-54);

Receiving user input regarding a selected service (user selects a service from the menu, col. 35, lines 55-65);

Determining routing data based in part on the user input (determining the appropriate VIP based on user selection, col. 35 line 66 – col. 36 line 14);

Receiving a session request at a session gateway in the cable system (session gateway is the level 1 gateway, col. 36, lines 38-52), wherein said session request includes routing information identifying the location of said service in said cable system (identification of the VIP) and the generator of said session request (identification of the DET, for billing purposes, col. 35 line 66 – col. 36 line 14);

Parsing said session request to identify a particular service gateway identified within said session request (the request is received, and based upon the request, the level 2 gateway is identified for establishing a session, col. 36, lines 38-52); and

Forwarding said particular service identified within said session request to said service gateway (the service from VIP is forwarded to the users via the level 2 gateway, col. 36, liens 15-52).

Regarding claim 16, Bigham discloses the method of claim 15, wherein an MPEG program number is associated with the service in said cable system (col. 28, lines 8-10).

Regarding claim 17, Bigham discloses the method of claim 15, further comprising executing, at said service, an instruction to the determined location to forward said particular service to said generator (col. 37, lines 26-40).

### ***Conclusion***

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660, and effective March 21, 2005, will be (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS



CHRIS GRANT  
PRIMARY EXAMINER